

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

ECC 03M-59

Dec 24 2003
02891

In the Matter of)	EB Docket No. 03-85
)	
BUSINESS OPTIONS, INC.)	File No. EB-02-TC-151
)	
Order to Show Cause and Notice of)	NAL/Acct. No. 200332170002
Opportunity for Hearing)	FRN: 0007179054
)	

ORDER

Issued: December 23, 2003

Released: December 24, 2003

A second procedural schedule has been established and a hearing date was reset for February 24, 2004. *Order* FCC 03M-53, released December 9, 2003. There was no deadline set for discovery of any expert witness in the event that Business Options, Inc. ("BOI") should decide to put on expert testimony on industry practices.¹ Therefore, solely for purposes of scheduling trial preparation, a cut-off date should be set.

Accordingly, IT IS ORDERED that by **January 6, 2004**, Business Options, Inc. shall identify any non-affiliated, non-party expert that it intends to call as a witness, and also provide *curriculum vitae* and an outline of the expert's testimony by **January 8, 2004**.

IT IS FURTHER ORDERED that the Enforcement Bureau may conduct discovery of any identified BOI expert in accordance with Rule 26 (b)(4) of the Federal Rules of Civil Procedure, provided that such discovery is scheduled so not to delay the hearing of this case on February 24, 2004.²

FEDERAL COMMUNICATIONS COMMISSION³



Richard L. Sippel
 Chief Administrative Law Judge

¹ This *Order* is solely for scheduling purposes. The subject of expert testimony was discussed in a telephone conference conducted on December 5, 2003. There was no requirement or request made for expert testimony. The decision on whether to use expert testimony rests exclusively with BOI.

² It is the responsibility of counsel for BOI to arrange expeditiously for a deposition and to otherwise fully cooperate with Bureau counsel in concluding discovery in light of the schedule.

³ Courtesy copies of this *Order* were sent to counsel for the parties by fax or e-mail on the day of its release.